IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5098 of 2001

Between:

1. J.Rama Krishnam Raju S/o.Vankata Raju
   r/o.Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist

2 G.Satyanarayana S/o.Tatayya
   R/o.Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist

3 J.Lakshmi Narasimha raju S/o.Venkata Raju
   R/o.Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist

4 I.Devi Bhargavi W/o.Vankata Srinivasa Raju
   R/o.Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist

5 V.Sreenivasa Raju S/o.Narayana Raju
   R/o.Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist

..... PETITIONERS

AND

1 The Bhujabalapatnam Gram Panchayat
   rep.by its person-in-charge, Bhujabalapatnam, Kaikalur

Mandal,Krishna Dist.
2 The District Panchayat Officer,
   Machilipatnam, Krishna District.
3 The Superintending Engineer
   Panchayat Raj, Vijayawada, Krishna District.
4 The Executive Engineer,

Panchayat Raj, Gudivada, Krishna Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, more in the nature of Writ of Mandamus, declaring the action of the respondents in constructing over-head water tank in the site bearing Sy.No.410/2 of .Bhujabalapatnam Village, Kaikalur Mandal, Krishna Dist belonging to Sri Kodandarama Swamy Devasthanam, Bhujabalapatnam as highly arbitrary, without jurisdiction, contrary to Sections 82 & 83 of A.P Panchyat Raj Act, 1994, contrary to the provisions of A.P Charitable and Hindu Religious Institutions & Endowments Act, 1987, violative of Articles 25,26 & 300(A) of the Constitution of India and contrary to the Rules and Regulations of Construction of over-headed water tank and consequently direct the respondents not to construct any over-head water tank in the said site.

Counsel for the Petitioner: MR.C.RAMACHANDRA RAJU (Not Present)

Counsel for the Respondent No.1: MR.SRINIVAS DAMMALAPATI

Counsel for the Respondents 2 to 4: The Govt. Pleader for Panchayat Raj and Rural Development.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

None for the petitioners.

The petition is filed as Public Interest Litigation by some of the residents of

Bhujabalapatnam village, Kaikalur Mandal, Krishna District complaining of construction of overhead water tank in the site bearing Survey No.410/2 belonging to Sri Kodandaramaswamy Devasthanam.

We have perused the counter affidavits of the respondents who had justified the action of construction of overhead water tank and further saying that the petition is mala fide since the petitioners want to grab the temple property for their personal use as dumping yard, cattle pond and to get the tubes for rearing fish seedlings. They further state that all the petitioners belong to one single family.

We are satisfied from the affidavit of Sri V.Nagarjuna Sagar, District Panchayat Officer that there is no illegality in the respondents proposing to construct an overhead water tank at the site in question.

Petition dismissed.

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DEVINDER GUPTA, CJ

16-8-2004

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C.V.RAMULU, J

Tvr

To

1 The Person in Charge, Bhujabalapatnam Gram Panchayat
Bhujabalapatnam, Kaikalur Mandal, Krishna Dist.

2 The District Panchayat Officer,
Machilipatnam, Krishna District.

3 The Superintending Engineer
Panchayat Raj, Vijayawada, Krishna District.

4 The Executive Engineer,
Panchayat Raj, Gudivada, Krishna Dist.

5 2 CCs to the Govt. Pleader for Panchayat Raj and Rural

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